

**CALENDAR ITEM
C64**

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02/07/17
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J. Garrett
N. Lee

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CONSIDER DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT FOR THE LONG-TERM LOAN OF A STEAM VALVE FROM THE *KLAMATH* SHIPWRECK NEAR THE SEA RANCH, AN UNINCORPORATED COMMUNITY IN SONOMA COUNTY

APPLICANT:

The Sea Ranch Association

BACKGROUND:

On the evening of February 4, 1921, the steam schooner *Klamath* ran into an outcropping of rocks just offshore and south of the town of Gualala along the Sonoma Coast. Due to the proximity to the shore, reportedly, there was no loss of life, except for Snookums, the ship's cat. The ship's close location to shore also allowed some of the ship to be salvaged near the time of the wreck. However, much of the ship and its cargo was lost. Today the historic shipwreck site of the *Klamath* is offshore from the unincorporated community known as The Sea Ranch Association (Association).

Recently, Commission staff learned that a local diver had found part of the shipwreck, a steam valve from the *Klamath* (Artifact), while diving and removed the Artifact. The Artifact is tarnished metal and is approximately 6 inches tall. Pursuant to Public Resources Code section 6314, subdivision (a), the Artifact is state property and its removal is a misdemeanor punishable by imprisonment in a county jail for as much as 6 months or a fine of \$5,000. Additionally, the Commission may seek civil damages for the loss of its property pursuant to Public Resources Code section 6314, subdivision (b).

After the unauthorized recovery of the Artifact, the diver contacted a maritime archaeologist at the National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries about curation of the Artifact. Various organizations were contacted to determine where the Artifact should be displayed. One museum in the area was not interested in curating the Artifact because it is an isolated object and would not fit into any existing collections.

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The Association wishes to curate the Artifact at its administrative office, which primarily serves Association members, but is open to the public during business hours. The Association has agreed to create an appropriate display for the Artifact that will protect the Artifact while allowing visitors to view it.

STAFF ANALYSIS AND RECOMMENDATION:

Commission staff believes that there are additional *Klamath* artifacts in The Sea Ranch area that were legally salvaged at the time of the shipwreck and are currently owned by private individuals. If a private collection of *Klamath* artifacts is donated to a public facility in the future, it is likely that the Artifact could be part of any resulting exhibit on the *Klamath*.

Due to the proximity of the Association to the historic shipwreck site and the lack of other suitable facilities in the area, staff proposes that a long-term loan, not to exceed 10 years, of the Artifact to the Association would be in the best interests of the State. This would protect the Artifact as an archaeological resource while allowing the public to view it. Further, the loan agreement would include a condition requiring the return of the Artifact before the end of the 10-year period, if the Commission determines that a more suitable facility is available to house the Artifact.

Because removal of shipwreck material from state lands is a criminal offense, private collectors often keep artifacts they would otherwise donate for fear of prosecution. The local diver who removed the Artifact has expressed remorse for taking the item and wants it to be displayed by an appropriate entity. To encourage the return of artifacts to public custody, staff recommends that the Commission not seek criminal prosecution or damages against the individual who, without permission, collected the Artifact.

OTHER PERTINENT INFORMATION:

1. Public Resources Code section 6313, subdivision (a) provides: "The title to all abandoned shipwrecks and all archaeological sites and historic resources on or in the tide and submerged lands of California is vested in the state. All abandoned shipwrecks and all submerged archaeological sites and submerged historic resources of the state shall be in the custody and subject to the control of the commission for the benefit of the people of the state of California. The commission may transfer title, custody, or control to other state agencies or recognized scientific or educational organizations, institutions, or individuals by appropriate legal conveyance."
2. The Association is a residential community on the Sonoma County coast located approximately 6 miles south of the town of Gualala, California along Highway 1. The Association's Archives Committee is in

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communication with a maritime archaeologist at the Office of National Marine Sanctuaries regarding the proper procedure for displaying the Artifact.

3. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
4. The staff recommends that the Commission find that entering into an agreement for the long-term loan of a shipwreck artifact does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378.

STATUTORY REFERENCES:

Public Resources Code sections 6313, subdivision (a); 6314, subdivisions (a) and (b).

EXHIBITS:

- A. Picture of Artifact
- B. Letter of Support from National Oceanic Atmospheric Administration, Office of National Marine Sanctuaries

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that entering into an agreement for the long-term loan of a shipwreck artifact is not subject to the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378.

AUTHORIZATION:

Delegate authority to the Executive Officer or her designee to enter into and take all actions necessary to implement an agreement for the long-term loan, not to exceed 10 years, of the steam valve artifact from the Klamath shipwreck for public display at The Sea Ranch Association administrative office in The Sea Ranch, California.

EXHIBIT A





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries
1305 East-West Highway, 11th floor
Silver Spring, MD 20910
301-713-3125

3 January 2016

Jamie L. Garrett
Staff Attorney
California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

Dear Ms. Garrett:

The Office of National Marine Sanctuaries (ONMS) relies on collaborative relationships to manage the National Marine Sanctuaries. As such, I am pleased to be working with California's State Lands Commission and The Sea Ranch Association to find a home for the steam valve illegally recovered from the *Klamath* shipwreck. When recovered by recreational SCUBA diver John Harreld in 2010, the steam valve was not a sanctuary historical resource. Since then, Greater Farallones National Marine Sanctuary has expanded and now encompasses the *Klamath* wreck site off Del Mar Landing, now part of The Sea Ranch.

The ONMS fully supports the commission's plans to make a long term loan of the artifact to The Sea Ranch Association. I greatly appreciate the commission's willingness to consider this partnership as a way to keep the underwater cultural heritage of Sonoma County close to home. As The Sea Ranch Association's archives are the closest such repository to the *Klamath* shipwreck site, I believe this arrangement will serve to connect this community to its heritage and hopefully initiate more preservation efforts.

Best regards,



James P. Delgado, Ph.D
Director, Maritime Heritage Program

CC: Pamela Griggs, Assistant Chief Counsel, California State Lands Commission

